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Robert E Krebs Thelen Reid & Priest P O Box 640640 San Jose, CA 95164-0640			EXAMINER	
			KIM, EDWARD J	
			ART UNIT	PAPER NUMBER
			2155	
			MAIL DATE	DELIVERY MODE
			11/02/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/511,456	PAYNE, PATRICK
	Examiner	Art Unit
	Edward J. Kim	2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 14 August 2007.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-11 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-11 is/are rejected.
- 7) Claim(s) 8 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

1. This office action is in response to the amendment filed on 08/14/2007. Claims 1-11 are pending in this office action. Claims 1, and 3-6 were amended. New claims 7-11 are presented for examination.

### ***Response to Amendment***

2. The examiner accepts the amendments made to claims 1-6. The examiner accepts the newly added claims 7-11. The examiner withdraws the objections to claims 1 and 5.

### ***Claim Objections***

3. Claim 8 is objected to because of the following informalities: "Configuration information" is recited twice within the claim, not conforming to the English grammar. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding the part of claim 1 that cites "...transmitting a mobile phone message to the mobile phone ... once the mobile phone is configured..." the claim language is redundant, and therefore fails to particularly point out and distinctly claim the subject matter which the applicant regards as his invention. "Sending a message to said mobile

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phone providing an address of said home page" is claims the same limitation as "including configuration information operative to configure the mobile phone to view the home page". Address of the home page is an "configuration information operative" to view the home page, as the address allows the mobile phone to access the home page.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 4, 5, 10, and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Hall et al. (US 2001/0012281 A1), hereinafter referred to as Hall.

Hall discloses a method and system whereby a mobile phone user can select one or more preferences for the mobile phone from a simulated mobile phone display on a web page (see Abstract).

Regarding claim 4, Hall teaches a method of revising a home page by using a computer (paragraphs [0006], [0013], and [0014]), the home page displaying an image of an associated mobile phone (Abstract ln.1-4), comprising:

displaying on the home page mobile phone configuration information and a corresponding image on the associated mobile phone; selecting, using the computer, configuration information for transfer to the associated mobile phone (Abstract ln.1~4,

paragraphs [0016], [0017] – [0019]. Hall teaches that a user can select one or more preferences for the mobile phone from a web page associated with the mobile phone, which includes a simulated display of the phone.);

when said configuration information is selected, automatically providing, without human intervention, the configuration information to the associated mobile phone so that the settings of the associated mobile phone is configured with the provided configuration information (Abstract In.1~4, paragraphs [0016], [0017] – [0019]. Hall teaches that a user can select one or more service preferences for the mobile phone from a web page associated with the mobile phone, and that the mobile phone may be updated automatically without human intervention.).

Regarding claim 5, Hall teaches, a system for a user to modify a home page associated with a mobile phone, comprising:

an image of said mobile phone and configuration information pertaining to the mobile phone presentable at said home page (Abstract Lines 1~4, paragraphs [0006], [0013]~[0016], Fig. 1, and Claims 12~17); and

said mobile phone having a display for indicating configuration information associated with the mobile phone and an input device for changing the configuration information; wherein when said configuration information is changed on the mobile phone by a mobile phone user, said configuration information pertaining to said mobile phone on said home page is correspondingly changed (Abstract In.1~4, paragraphs [0004]-[0005], [0016], [0017] – [0019]. Hall discloses that configuring the mobile phone directly on the device is already known in the art, and the inconvenience of doing so is

presented as a problem that will be solved with the disclosed invention. Hall discloses that a web site associated with the mobile phone and the user allows a more convenient way of changing the configuration of the mobile phone. Since the web site includes a representation of the mobile phone and its configuration information, it is inherent that any changes made on the phone directly would also be synchronized on the web site.).

Regarding claim 10, Hall teaches the limitations, as described in claim 5, and further discloses, a system wherein the configuration information pertaining to the mobile phone presentable at said home page is displayed on a portion of the image of the mobile phone (Abstract In.1~4, paragraphs [0004]-[0005], [0016], [0017] – [0019].)

Regarding claim 11, Hall teaches the limitations, as claimed in claim 5, and further discloses a system wherein said configuration information pertaining to said mobile phone on said home page is correspondingly changed by said mobile phone sending information pertaining to the change to a server, and the server sending the information pertaining to the change to a computer that presents the home page (Abstract In.1~4, paragraphs [0004]-[0005], [0016], [0017] – [0019]. Hall discloses that configuring the mobile phone directly on the device is already known in the art, and the inconvenience of doing so is presented as a problem that will be solved with the disclosed invention. Hall discloses that a web site associated with the mobile phone and the user allows a more convenient way of changing the configuration of the mobile phone. Since the web site includes a representation of the mobile phone and its configuration information, it is inherent that any changes made on the phone directly would also be updated on the web site.).

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1, 2, 3, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Larkins (US 6,295,291 B1), in view of Duncan et al. (US 2002/0107002 A1).

Larkins discloses a setup of a new subscriber for radiotelephone service via the internet.

Regarding claim 1, Larkins discloses, a method of activating a mobile phone comprising (Larkins, Abstract Line 11 and Column 3 Line 43. Larkins discloses “an over-the-air activation function” for a radiotelephone. It should be noted that the “radiotelephone” that Larkins refers to is equivalent to the “mobile phone” mentioned by the applicant.):

collecting information associated with the mobile phone and collecting preferences of a user associated with the mobile phone (Larkins, col.4 ln.4-9, col.1 ln.40-44, col.1 ln.45-49. Larkins discloses a process that takes information of a potential subscriber and then programs the radiotelephone with the appropriate data. Collection of information associated with the user is again disclosed by Larkins as well as the collection of information associated with the mobile phone.);

based on said information preparing a home page for said user that is accessible by a computing device and by the mobile phone (Larkins, col.1 ln.31-38, col.2 ln.16-18, col.2 ln.22-29. Larkins discloses the usage of an internet access device to access the world wide web server, where the server provides a web page that displays and makes available a plurality of radiotelephone services and features. It is further disclosed that the "internet access device is a desktop computer running a world wide web access program referred to as a web browser" (col.2 ln.16-18) and that "other brands and types of computers and other web browsers may be used by the present invention" (col.2 ln.22-24). Use of phone as a web browser to access the services is mentioned in the specifications as well. (col.2 ln.25-29)) ;

transmitting a mobile phone message to the mobile phone based on the collected information, the mobile phone message including configuration information operative to configure the mobile phone to view the home page; sending a message to said mobile phone providing an address of said home page once the mobile phone is configured (Larkins does not explicitly disclose a method of sending an address of a home page to the mobile phone as a message in order to access the web page.

Duncan et al. discloses a system for sending text message alerts to users of mobile communications devices. Duncan et al. discloses a messaging system (Duncan et al., paragraphs [0012]~[0051]) wherein a message, which includes the web address of the response web page, is sent to the mobile phone for the purpose of accessing the web page (Duncan et al., paragraphs [0014], [0025], [0031], [0063]). The link of the

web address in the message configures the mobile phone in order to access the web page.

It would have been obvious for one of ordinary skill in the art at the time of the invention was made to modify the teachings of Larkins with those of Duncan et al. to include a method of sending a message to the mobile phone, including a means to configure the mobile phone to view the home page. One would have been motivated to do so to allow the user to acknowledge (Larkins, col.5 ln.9-19) that the web page has been set-up and allow automatic configuration of the mobile phone to view the web page. It is disclosed by Duncan et al., in paragraphs [0001]-[0011], that such message system allows the user to access information in a more convenient and timely manner.);

receiving a request comprising the address for the home page from the configured mobile phone; and transmitting the home page to the configured mobile phone such that when the configured mobile phone receives the home page, the configured mobile phone uses the configuration information to view the home page (Duncan et al., paragraphs [0014], [0025], [0031], and [0063]. When a user clicks on the link, embedded in the message to the mobile phone, a request is sent from the mobile phone and the system receives the request, then processes it to provide the user with the home page.).

Regarding Claim 2, Larkins disclosed the limitations, as described in claim 1, and further discloses, a method wherein said information includes default information selected by a service provider associated with the mobile phone (Larkins, col.1 ln.45-55.

Larkins discloses a system that "receives the registration information from the radiotelephone and looks up the appropriate radiotelephone service profile").

Regarding Claim 3, Larkins disclosed the limitations, as described in claim 1, and further discloses a method wherein the mobile phone is not initially configured to view the home page, and wherein the method further comprises configuring said mobile phone to view the home page based on said configuration information (Larkins, col.2 ln.25-29, col.4. ln.4 - col.5 ln.19. Larkins discloses that the phone needs to be authenticated, after being configured with information provided, in order to enjoy the services available such as viewing a web page.).

Regarding claim 9, Larkins discloses the limitations, as described in claim 1, and further discloses a method wherein the mobile phone message includes configurations information operative to configure the mobile phone to view an application indicated on the home page, and wherein the configured mobile phone uses the configuration information to interact with the application indicated on the home page (Larkins, col.5 ln.9-19. Larkins discloses that an acknowledgement message is sent to the telephone indicating that information has been received and that various parameters have been updated, which is allows the phone to be authenticated for services provided by the service providers.).

10. Claims 7, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Larkins (US 6,295,291 B1), in view of Duncan et al. (US 2002/0107002 A1), hereinafter referred to as Duncan, and in further view of Hall et al. (US 2001/0012281 A1), hereinafter referred to as Hall.

Regarding claim 7, a method wherein the home page includes the configuration information, and wherein the mobile phone message includes configuration information operative to configure the mobile phone to synchronize with information associated with the home page such that when changes are made to the home page, configuration information is automatically changed on the mobile phone (Larkins discloses the setup of new subscriber for radiotelephone services via the internet, however, fails to explicitly disclose a method of sending a message, which includes configuration information.

Duncan discloses a system for sending text message alerts to users of mobile communications devices. The message disclosed by Duncan in the messaging system (Duncan, paragraphs [0012]-[0051]) includes the web address of the response web page (Duncan et al., paragraphs [0014], [0025], [0031], [0063]), wherein the link of the web address configures the mobile phone in order to access the web page, as claimed in claim 1.

It is disclosed by Larkins that after the various parameters of the mobile phone have been updated, acknowledgement messages are exchanged between the mobile phone and the web server that hosts the web page (Larkins, col.5 ln.9-19), acknowledging that the web server and the mobile phone has been synchronized. However, Larkins fails to explicitly teach that the configuration information is displayed in the web site and that the synchronization is done automatically.

Hall discloses a method and system where a user can select one or more service preferences for the mobile phone from a simulated mobile phone display on a web

page. Hall teaches that a user can select one or more service preferences for the mobile phone from a web page associated with the mobile phone, and that the mobile phone may be updated automatically without human intervention (Abstract In.1~4, paragraphs [0016], [0017] – [0019]). Also an image of the mobile phone and configuration information pertaining to the mobile phone is presented at the web page (Abstract Lines 1~4, paragraphs [0006], [0013]~[0016], Fig. 1, and claims 12~17)

It would have been obvious for one of ordinary skill in the art to modify the teachings of Larkins to include the exchange of messages including configuration information for synchronizing the web page and the mobile phone automatically and to display the configuration information on the web page, as taught by Duncan and Hall. One would have been motivated to do so, to allow the user to access information in a more convenient and timely manner via the internet).

Regarding claim 8, Larkins disclosed the limitations, as claimed in claim 1, and further discloses that after the various parameters of the mobile phone have been updated, acknowledgement messages are exchanged between the mobile phone and the web server that hosts the web page (Larkins, col.5 In.9-19), acknowledging that the web server and the mobile phone has been synchronized. However, Larkins fails to explicitly teach that the configuration information is displayed in the web site and that the synchronization is done automatically.

Hall discloses a method and system where a user can select one or more service preferences for the mobile phone from a simulated mobile phone display on a web page. Hall teaches that a user can select one or more service preferences for the

mobile phone from a web page associated with the mobile phone, and that the mobile phone may be updated automatically without human intervention (Abstract ln.1~4, paragraphs [0016], [0017] – [0019]). Also an image of the mobile phone and configuration information pertaining to the mobile phone is presented at the web page (Abstract Lines 1~4, paragraphs [0006], [0013]~[0016], Fig. 1, and claims 12~17).

It would have been obvious for one of ordinary skill in the art to modify the teachings of Larkins and Duncan to include the exchange of messages including configuration information for synchronizing the web page and the mobile phone automatically and to display the configuration information on the web page, as taught by Duncan and Hall. One would have been motivated to do so, to allow the user to access information in a more convenient and timely manner via the internet).

11. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hall et al. (US 2001/0012281 A1) hereinafter referred to as Hall, in view of Larkins (US 6,295,291 B1).

Regarding claim 6, Hall disclosed the limitation, as claim in claim 5, and further discloses that the home page is viewable via a computer (Hall, fig.1, Abstract) however fails to explicitly disclose that a home page is viewable via a mobile phone.

Larkins discloses a system and method of setup of a new subscriber for radiotelephone services via the internet, where the web page is viewable via the radiotelephone (Larkins, col.2 ln.25-29).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Hall to include access to a web site via

the mobile phone as taught by Larkins. One would be motivated to do so to allow the user a more enhanced experience of mobile communications.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1, 4, and 5 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments and amendments filed on 08/14/2007 have been carefully considered but they are not deemed fully persuasive.

As per claim 1, the applicant argues, "Larkins and/or Duncan do not teach or suggest the combination of feature(s) recited in amended claim 1. For example, Larkins and/or Duncan do not teach or suggest "*transmitting the home page to the configured mobile phone such that when the configured mobile phone receives the home page, the configured mobile phone uses the configuration information to view the home page*" (see applicant's Response, pg.9-10).

Examiner respectfully disagrees.

It would have been obvious for one of ordinary skill in the art at the time of the invention was made to modify the teachings of Larkins with those of Duncan et al. to include a method of sending a message to the mobile phone, including a means to configure the mobile phone to view the home page. One would have been motivated to do so to allow the user to acknowledge (Larkins, col.5 ln.9-19) that the web page has been set-up and allow automatic configuration of the mobile phone to view the web page. It is disclosed by Duncan et al., in paragraphs [0001]-[0011], that such message system allows the user to access information in a more convenient and timely manner.

As per claim 4, the applicant argues, “Hall does not show or disclose automatically providing, without human intervention, the configuration information to the associated mobile phone so that the settings of the associated mobile phone is configured with the provided configuration information” (see applicant’s Response, pg.7).

Examiner respectfully disagrees.

As shown in the rejection of claim 4, Hall teaches that via the server, the system determines whether the preferences set by the user should be downloaded to the mobile phone immediately, or if the user has selected to initiate the downloading (Hall, paragraph [0019]). Therefore, in the teachings of Hall, the configuration information can be automatically provided to the mobile phone without human intervention.

As per claim 5, the applicant argues, “Hall does not show or disclose that “when said configuration information is changed on the mobile phone by a mobile phone user, said configuration information pertaining to said mobile phone on said home page is correspondingly changed”, as recited in amended claim 5. Hall only describes that changing applications on the web page changes the applications on mobile phone and vice-versa.” (see applicant’s Response, pg.8)

Examiner respectfully disagrees.

Refer to Hall, Abstract ln.1~4, paragraphs [0004]-[0005], [0016], [0017] – [0019]. Hall discloses that configuring the mobile phone directly on the device is already known in the art, and the inconvenience of doing so is presented as a problem that will be solved with the disclosed invention. Hall discloses and proposes that a web site

associated with the mobile phone and the user, allows a more convenient way of changing the configuration of the mobile phone. Since the web site includes a representation of the mobile phone and its configuration information, it is inherent that any changes made on the phone directly would also be updated accordingly on the web site.

It is the Examiner's position that Applicant has not yet submitted claims drawn to limitations, which define the operation and apparatus of Applicant's disclosed invention in manner, which distinguishes over the prior art.

Failure for Applicant to significantly narrow definition/scope of the claims and supply arguments commensurate in scope with the claims implies the Applicant intends broad interpretation be given to the claims. The Examiner has interpreted the claims with scope parallel to the Applicant in the response and reiterates the need for the Applicant to more clearly and distinctly define the claimed invention.

### ***Conclusion***

**Examiner's Note:** Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

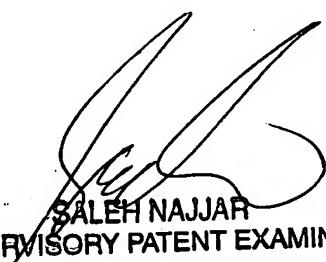
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward J. Kim whose telephone number is (571) 270-3228. The examiner can normally be reached on Monday - Friday 7:30am - 5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EJK  
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10/23/2007



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